

REMARKS

Claims 1-8, all the claims pending in the application, stand rejected. Claims 1-8 have been amended in order to provide additional clarity and remove certain bases for objection by the Examiner.

Claim Rejections - 35 U.S.C. § 112

Claims 1-8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner asserts that the claims are generally narrative and indefinite, and fail to conform with current U.S. practice. The Examiner feels that proper punctuation is needed and less narrative recitations of the invention is required in order to make the claims more readable and definite.

This rejection is traversed as to claims are clear and definite. One skilled in the art would clearly understand the meaning and scope of the claims. The Examiner is merely expressing his personal preference for language and style, and this does not rise to the level of a basis for rejection. However, subject to this traversal, Applicants are prepared to improve the readability of the claims, and have made certain amendments to all the claims which would better conform them to U.S. practice.

Claim Rejections - 35 U.S.C. § 103

Claims 1-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagao et al (6,394,898) in view of NHL Faceoff (Sony) and further in view of Dickinson et al (6,224,485). This rejection is traversed for at least the following reasons.

Independent apparatus claim 1 generally relates the present invention to a “game machine in which a plurality of racing members” participate. Each member has a “member name” and can participate in “a plurality of races.” A similar statement of the focus of the invention may be found in the preamble of independent method claim 5.

An important goal of the racing game apparatus or method is to provide the game players with greater interest in their participation in the racing game. This is particularly true of a horse

racing game embodiment, although other types of racing games are also contemplated by the invention (page 36). One way to enhance player interest, particularly in a horse racing game, is to assign the name of the game player to the racing members. Since the horse racing embodiment of the game is to be played over a period of time, and the game player is to accumulate a “stable” of horses as the racing members, the player’s name is associated with each racing member in his stable. Moreover, as explained at page 3, a player’s enjoyment of a racing game can be further enhanced by recognizing an excellent race record and holding a “special race” having the name that includes the players registered name. This is particularly attractive where the game machine and method are used in gambling establishments, where the game machine is illustrated in Fig. 1 may be utilized.

Thus, it is the novel concept of the inventors that a “special race” should be established that honors and showcases a particularly accomplished player. For example, this race would be known and promoted as honoring someone who can accumulate a high score or high payoff. Clearly, this appeals to many participants in a gambling casino, who may wish his or her skill to be recognized. It is particularly attractive because a game player’s name is automatically assigned to this special race, thereby giving the game player significant attention.

Fig. 20 illustrates a flow chart that embodies one example of the special race establishment processing, and is based on whether or not a horse has acquired one or more prizes in particular races and a total amount of winnings over a given threshold. As stated at page 34, it is not the player’s absolute right to have his name assigned to the “special race.” Thus, the establishment of a special race containing the name of a player will enhance the players pride and render a game more attractive.

The qualifications for a game player to be honored in a “special race” may be established on the basis of a game player’s performance over a game calendar period, for example, the total of the ranks or results of the game player’s stable at the end of a month, a year, etc.

Independent apparatus claim 1 and independent method claim 5 expressly state that a racing member to which one player name is assigned has a race record better than the race

records of other racing members, thereby entitling the assignment of one player name to the special race. Notably, amended claims 1 and 5 recite that: i) the player name is registered in advance; and ii) the special race is selectively established as one of the plural races performed in the race game machine.

Nagao et al

The Examiner cites the patent to Nagao et al for a teaching of a gaming machine using a plurality of racing members in the form of miniature horses, each having a member name, with reference to col. 13, lines 6-9. The Examiner points to the display of a ranking table in Fig. 12, with reference to col. 11, line 57 - col. 12, line 8, for a listing of the results of a set of races. The Examiner also looks to Fig. 12 for the identification of a given race by a name, e.g., "Sega Cup."

The Examiner admits that Nagao et al is deficient in its teachings relative to the key features of the claimed invention.

First, the claims require a player's name to be assigned to a racing member as part of the member's name. In the present invention, for example, names such as "Kent Dreamer" and "Kent Candle" (Fig. 12) are automatically created from the players own name. The player name is pre-registered. Nothing in the disclosure cited by the Examiner or in the illustration in Fig. 12 of Nagao et al assigns the pre-registered name of game player to a racing member. At page 4 of the Office Action, the Examiner admits to this deficiency.

Second, the claims require a special game to be established and player's name to be assigned to that special race. In the present invention, the processing disclosed with regard to Fig. 20 and beginning at page 32 of the specification, the basis for such establishment and assignment is disclosed. Nothing in the disclosure of Nagao et al, particularly the illustration in Fig. 12 and the related disclosure, relates to the establishment of a special race where the name is variable and related to a game player. The Examiner also admits that Nagao et al does not disclose that a special race should be established and that the name of the special race includes the player's name (page 4 of the Office Action).

Third, the dependent claims require the assignment of names to be based on an evaluation of the race records of the racing members over a period of time. The Examiner asserts that the table discloses race information including place finishes for several races (Fig. 12) and that one of ordinary skill could determine from the information the prizes associated with each place finish. However, this assumption is flawed since there is no reason to rank on the basis of race results in Nagao et al. There is no basis for determining the amount of prizes for each race and the amount allocated for each place finish. Thus, Nagao et al is deficient in several fundamental aspects of the present invention, and the Examiner admits as much.

NHL Faceoff

The Examiner turns to NHL Faceoff for a teaching that players may create characters who are given any names that they desire, including part of the player's own name. The Examiner makes reference to the "create a player" feature at page 7/10 of the publication where an instruction is given as to how a first name may be added. This feature is not related to the limitations set forth in the claims.

In the claims, there is a name assignor and a step of assigning a name of a player based on a player's pre-registration. The concept of naming the player with the game participant's own pre-registered name is not disclosed in the reference. Moreover, the reference discloses a purely manual insertion of any name by the player, and is not based on a player's prior registration, as in the present case where the registered name of a player is automatically assigned to the racing member. This is a unique feature that enhances the interest in the game and is substantially different from and more attractive than that which is taught in NHL Faceoff.

Dickinson et al

The Examiner refers to Dickinson et al for an alleged teaching of a gaming machine where the machine will designate the game as a "special," specifically by the machine assigning a player's name to the game, with reference to Fig. 4, elements 80 and 82. According to the Examiner, Dickinson et al teaches a controller that causes selected ones of the high score players' identifiers to be displayed in a plurality of available display areas in the video game.

The Examiner asserts that Dickinson et al does mention the use of mobile display areas, static display areas and conditional display areas where the names of individuals can be assigned (beginning at col. 5, line 11). The Examiner also asserts that the game contemplates the use of mobile display areas on vehicles and the use of static display areas on signs or banners, as in a car racing environment (col. 5, line 11-col. 6, line 5), and that the assignment of names to display areas is under command of a controller and is based on game results (col. 5, line 55-col. 6, line 5).

However, Applicants respectfully submit that in Dickinson, the player name to be displayed is not registered until the end of a game, and the display of the top-ranked player is continued until the record is updated by a next top-ranked player. For example, the player does not enter his name until the end of a game, and only then upon determination that the player has a high score (col. 6, lines 6-19). Applicants also respectfully submit that Dickinson does not teach or suggest the selectability as recited in the amended independent claims.

In short, the combination of assigning a player's pre-registered name to the horses and assigning a player's pre-registered name to a special race would not be obvious. Finally, even if individual ones of the claimed features are obvious, it is the combination in a horse race environment that is novel and unobvious. The subject matter of the invention is a combination of several components or steps that include the assignment of a player's name to a racing member, the creation of a "special race" and the assignment of a player's name to the special race. Applicants respectfully submit that this combination of features would not be obvious to one of ordinary skill in the art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
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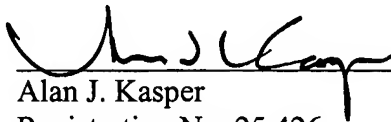
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